

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 28224 of 2005

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Date: 16.11.2007

Between:

Shankaramma and others.

..... PETITIONERS

AND

Regional Commissioner of Provident Fund,
Employees Provident Fund Organisation,
Barkatpura, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 28224 of 2005

Order:

The main grievance of the petitioners in this writ petition is that while they were working as casual labour in respondent Nos. 2 and 3-Organization, they opted the Employees Pension Scheme, 1995, and accepting the said option, respondent Nos. 2 and 3-Organization deducted certain amounts from their salary towards contribution to the Employees Pension Scheme, and respondent Nos. 2 and 3-Organization also contributed its share of amount to the said Scheme, and though they are entitled for payment of pension under the said scheme, and in spite of submitting necessary forms by respondent Nos. 2 and 3-Organization, their case has not been considered by respondent No.1 so far. Hence, they filed the present writ petition seeking to direct respondent No.1 to pass orders granting pension to them immediately, if necessary by calling for any additional information that are required for that purpose from respondent Nos. 2 and 3-Organization.

Counter affidavits are filed by respondent No.1 as well as respondent Nos. 2 and 3-Organization. It is the case of respondent Nos. 2 and 3-Organization that they have paid all the terminal benefits to the petitioners as per their entitlement at the time of their retirement from NRCS service, and insofar as the payment of pension to the petitioners is concerned, they remitted the EPF contribution, recovered from the petitioners, along with their share, to the Provident Fund Commissioner, by letter dated 24.08.2000, and they also forwarded the claims of the petitioners to respondent No.1, by letter dated 09.07.2002, and in spite of that respondent No.1 has not released the pension amounts to the

petitioners. Whereas, in the counter affidavit filed on behalf of respondent No.1, it is stated that on introduction of Employees Pension Scheme in 1995, except petitioner No.3, all other petitioners remitted family pension fund contributions for the period from 01.03.1982 to 15.01.1990 and became eligible for benefit under Employees Pension Scheme, 1995 with effect from 01.03.1982, but the claims of the petitioners were returned seeking certain clarifications with regard to their age, length of service and last pay drawn etc., and since the returned claims are not resubmitted, respondent No.1 has not fixed and paid the pension to the petitioners.

Heard the learned counsel for the petitioners, learned Standing Counsel for respondent No.1 and the learned counsel for respondent Nos.2 and 3-Organization.

It is unfortunate to note that even though the claim forms of the petitioners were sent to respondent No.1 as far back as in the year 2002, respondent No.1, except stating in his counter affidavit filed in the year 2007 that the claims of the petitioners were returned seeking certain clarifications, has not mentioned the details such as the date on which it was sent, to whom it was submitted, who returned the same to the petitioners seeking certain clarifications, and this reflects the callousness and lethargic attitude of respondent No.1. In that view of the matter, I deem it appropriate to dispose of the writ petition with the following directions.

The officer concerned of the 1st respondent office is directed to inspect the office of respondent Nos. 2 and 3-Organization by fixing a date, and after obtaining necessary clarifications from respondent Nos. 2 and 3-organization, and also necessary signatures from the petitioners herein, shall grant the pension to the petitioners, which they are entitled to, and submit a compliance report to this Court. The entire exercise should be completed within a period of four weeks from today. The petitioners are also directed to appear before the officer concerned of the

1st respondent office on the date so fixed by him for necessary signatures.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 16.11.2007
Nsr